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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,861	06/20/2000	Maya Rani Gupta	74451.P116	5709

7590 06/01/2005
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EXAMINER

LEE, TOMMY D

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/597,861

Applicant(s)

GUPTA ET AL.

Examiner

Thomas D. Lee

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2005 and 20 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 13-27 and 32-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 13-27 and 32-38 is/are allowed.
- 6) ☒ Claim(s) 39, 41 and 43 is/are rejected.
- 7) ☒ Claim(s) 40 and 42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20050714, 20050923.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office action is responsive to applicant's amendment filed December 20, 2004. Claims 1-8, 13-27 and 32-43 are pending.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 39, 41 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,722,008 (Ibaraki et al.).

Ibaraki et al. disclose a method and apparatus comprising: means for dividing the input image and the output image into blocks comprising means for adaptively sizing blocks with edges to create a plurality of blocks without edges (in one embodiment, blocks discriminated as an edge are divided into pixels with levels smaller than an average signal level and pixels with levels larger than the average signal level (column 11, lines 50-64), by means of an intrablock average signal level calculator and edge discriminator (column 12, lines 2-24); and means for computing, as part of a halftoning process, a set of output colors that best renders a color average of the input image for the corresponding block (signal levels of pixels within the same groups are substituted by average signal levels (column 11, lines 64-68), by means of calculators and signal level substitution circuit (column 12, lines 24-43)).

Allowable Subject Matter

4. Claims 1-8, 13-27 and 32-38 are allowed.

Art Unit: 2624

5. Claims 40 and 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: As set forth in the prior Office action, no prior art has been found to teach or suggest the step of dividing a block into subblocks if the difference between a calculated function of the color value of the block and subblocks is greater than a threshold, as now recited in base claims 13 and 32; or the step of positioning colors within each block to match a target and reduce spatial artifacts given the set of output colors, as now recited in base claims 1, 19, 20 and 38; or the step of pre-warping an input image's color gamut to adjust for the output color gamut, as recited in dependent claims 40 and 42.

Response to Arguments

7. Applicant's arguments, see page 10, line 5 – page 11, line 20, and page 12, lines 3-5 of the amendment, filed July 14, 2004, with respect to the rejection of claims 9-12 and 28-31 under 35 U.S.C. 112, first paragraph; claims 8, 13-15, 17, 18, 23-27 and 42 under 35 U.S.C. 112, second paragraph; claims 1-5, 19-24, 38, 39, 41 and 43 under 35 U.S.C. 102(b); and claims 1, 4-6, 20 and 22-25 under 35 U.S.C. 102(e); and claims 7, 8, 26 and 27 under 35 U.S.C. 103(a) have been fully considered and are persuasive. The rejection of these claims has been withdrawn.

8. Applicant's arguments, see page 11, line 21 – page 12, line 2 of the amendment, filed July 14, 2004, with respect to the rejection(s) of claim(s) 39, 41 and 43 under 35

U.S.C 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ibaraki et al., as set forth above. Note that the new ground of rejection is cited in response to applicant's claims as amended.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Lee whose telephone number is (571) 272-7436. The examiner can normally be reached on Monday-Friday (7:30-5:00), alternate Fridays off.

Art Unit: 2624

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas D. Lee
Primary Examiner
Art Unit 2624

tdl
May 26, 2005